

In the Court of Appeals of the State of Alaska

Richard Dorsey,

Appellant,

v.

State of Alaska,

Appellee.

Court of Appeals No. **A-13521**

Order

Date of Order: **1/7/2020**

Trial Court Case No. **3AN-17-05530CI, 3AN-09-12682CR**

Earlier in this case, this Court denied the Appellant's motion to accept a late-filed appeal. This denial, however, was without prejudice and the Court noted that the Appellant, Richard Dorsey, could renew his motion if he could demonstrate with an affidavit that his then-appointed attorney had improperly neglected Mr. Dorsey's desire to appeal the dismissal of his application for post-conviction relief. Afterward, the Office of Public Advocacy contracted with Attorney Michael L. Barber to represent Mr. Dorsey.

Mr. Barber has now filed two motions — one requesting that he be allowed to withdraw from his representation of Mr. Dorsey, and one requesting additional time for Mr. Dorsey to file a renewed motion to accept his late-filed appeal. Mr. Barber explains that when he contracted with the Office of Public Advocacy, he was unaware that this Court had denied Mr. Dorsey's request to accept his late-filed appeal. Mr. Barber further explains that he would not have accepted responsibility for Mr. Dorsey's case had he known that the appeal had not been accepted; in light of his other cases, he states that he will be unable to effectively and zealously represent Mr. Dorsey's time-sensitive interests in this case.

IT IS ORDERED:

1. The request for an extension of time to file a renewed motion to accept a late-filed appeal is **GRANTED**. The motion is now due on or before **February 17, 2020**.

2. The Clerk's Office is directed to provide a copy of this Order to the Office of Public Advocacy. The Office of Public Advocacy shall promptly contract with a new conflict attorney to represent Mr. Dorsey in this matter, and the conflict attorney contracted to represent Mr. Dorsey shall promptly file an entry of appearance.

3. Mr. Barber's motion to withdraw will be held in abeyance until the issue of Mr. Dorsey's representation is resolved.

4. As the Court noted in its earlier order, if either a renewed motion to accept this late-filed appeal (with an appropriate affidavit showing Mr. Dorsey's prior attorney improperly neglected his desire to appeal), or a motion for an additional extension of time, is not filed by the new due date, the Clerk's Office shall close this case.

Entered at the direction of Chief Judge Allard.

Clerk of the Appellate Courts

Sarah Anderson, Deputy Clerk

cc: Office of Public Advocacy
Distribution:

Mail:

Barber, Michael L., OPA - Contract
Burke, Elizabeth Tempel